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3:01-CV-02031 SAFETY SYRINGES INC V. BECTON DICKINSON

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAFETY SYRINGES, INC., a
Delaware corporation,

Plaintiff,

vs.

BECTON DICKINSON AND
COMPANY, a New Jersey corporation,

Defendant.

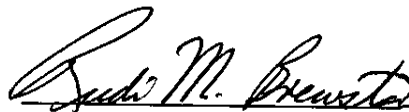
CIV. NO. 01CV2031-B (NLS)

ORDER VACATING AS MOOT
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT OF
INFRINGEMENT FILED JUNE
10, 2002

On June 10, 2002, the Plaintiff filed a motion for summary judgment of infringement. This case was reassigned to Judge Brewster on July 30, 2002. In March, 2003, the Court held a *Markman* hearing and issued an Order construing the patent claims and terms for jury trial. The Plaintiff agrees that the Order construing the patent claims renders the earlier motion for summary judgment obsolete. Therefore, the Plaintiff's motion for summary judgment, filed June 10, 2002 (Docket Entry #31), is VACATED AS MOOT.

IT IS SO ORDERED.

DATED: December 23, 2002



UNITED STATES SENIOR DISTRICT JUDGE

cc: All Parties
Magistrate Judge

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